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| 10/542,135 | 07/12/2005 | Steven G E Aerts | NL 030052 | 9781 |
| 65913 | 7550 | 05/29/2009 | EXAMINER | |
| NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131 | | | NEWLIN, TIMOTHY R | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/542,135

Applicant(s)

AERTS, STEVEN G E

Examiner

Timothy R. Newlin

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/2009 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite "a second memory," but the reference to the first memory (originally in claims 1 and 11) was removed by

amendment. Thus the recited second memory is vague in that it does not relate to an existing first memory. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 9-11, 14-16, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Green et al., US 2002/0168175.

Regarding claims 1 and 11, Green discloses method of caching a part of digital content data from a content source, comprising the steps of:

acquiring the digital content data from the content source, the digital content including I-frames and non-I-frames, said part of the digital content data including interleaved segments of the acquired digital content data **[blocks 550, 551, Fig. 5; MPEG stream may be acquired from signal source 220, paras. 43, 61];**

separating the I-frames from the non-I-frames to generate a block of multiple I-frames that includes temporally disparate I-frames **[I-frame identification module 561**

uses the index of I-frames 552 to generate a block of selected I-frames 572, Fig. 5, paras. 61, 75, 77, 79; also see block 372, Fig. 3];

caching a block of separated I-frames [selected I-frames 572 (i.e. a block comprising I₁ and I₂) are buffered, Fig. 5, paras. 75, 83; also see block 372, Fig. 3];

flushing ones of the separated I-frames as a function of a current playback location [I frames are flushed or “released” as necessary to construct MPEG stream 583, which is displayed according to a playback command, paras. 79-83; playback module constructs the MPEG stream to generate a specific requested playback rate, para. 59; also see para. 109, describing discarding frames as a function of playback];

caching a portion of the digital content data that includes both the I-frames and the non-I-frames [MPEG signal received from signal source 220, including I-, P-, and B-frames, the signal is stored (i.e. cached) on media 550 before being output to the system bus 540, Figs. 5 and 2, paras. 75, 43, 55];

accessing the cached digital content data, including both I-frames and non-I-frames, in response to a standard play mode [regular playback, para. 66; content data is accessed for regular playback by MPEG decoder 525, Fig. 5, para. 74; decoder 272 decompresses MPEG data for display via video output 274, Fig. 2, para. 55]; and

accessing the cached block of I-frames in response to a trick play mode [I-frames are accessed and used to create MPEG stream for, e.g., a reverse mode, para. 79].

Regarding claims 4 and 14, Green discloses a method wherein the number of I-frames in the cached block depends on parameters that include at least a probability of replay and/or an acquisition time **[the number of I-frames selected necessarily depends in part on acquisition time; the system can choose every I-frame, every other I-frame, etc., para. 69].**

Regarding claims 5 and 15, Green discloses a method characterized in that the digital content data are video data in MPEG format and that the interleaved segments of the acquired digital content data are I-pictures **[e.g. para. 75].**

Regarding claims 6 and 16, Green discloses a method characterized in that each of the interleaved segments of the acquired digital content data is a continuously acquired part of the digital content data from the content source **[para. 74-79].**

Regarding claims 9 and 19, Green discloses a method wherein the content source is a storage medium **[para. 75].**

Regarding claims 10 and 20, Green discloses a method wherein the content source is a remote source and wherein the acquisition of the digital content data comprises receiving the digital content data over a network **[para. 44].**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, US 20020168175.

Regarding claims 2 and 12, Green describes the trick play method without specifically referencing a "current playback position." However, he does describe cached I frames and describes an embodiment wherein they are used for both forward and reverse trick play. **Paras. 59, 64].** Official notice is taken that one skilled in the art would recognize the need for I frames both before and after the current playback position in order to generate both forward and reverse trick play signals. It would have been obvious to have the block of frames meet this condition.

Similarly, Green's silence on a replay point means he also does not describe the relative time that storing of I-frames takes place, as recited in claims 3 and 13. However, does state that the signal source could be a cable or satellite television signal

[para. 43], suggesting the possible display of live content, i.e. the frames are received and displayed at the same time. In that case, the storing of incoming I-frames could not take place other than at or after replay as recited. Therefore, official notice is that one of ordinary skill in the television art knows that live content can be buffered only as it is received, and it would have been obvious to allow system of Green to do so.

Claims 7, 8, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as cited above in view of Logan, US 2004/0255330.

Regarding claims 7 and 17, Green does not teach the use of the buffers as an anti-shock mechanism, but it does disclose caching a contiguous first part of the digital content data, that includes both the I-frames and the non-I-frames, in a second memory **[paras. 75, 78]**. While Green is silent on anti-shock functionality, Logan teaches the accessing of the content buffer in response to an interruption from shock or vibration **[para. 54]**. It would have been obvious to one skilled in the art that the frame buffer exemplified in para. 78 of Green could support Logan's anti-skip function. The motivation from the point of view of Green would be to prevent skipping due to interruption of a remote signal **[paras. 43-44]** rather than shock, but the function is the same regardless of what causes the interruption.

Regarding claims 8 and 18, Green discloses a method wherein the steps of caching are implemented in a single memory circuit [media 550, Fig. 5].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
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